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Attorneys for Defendant  
SMITH'S FOOD & DRUG CENTERS, INC.

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

ISABEL M. SCALICI, an individual,  
  
Plaintiff,

vs.

SMITH'S FOOD AND DRUG CENTERS,  
INC., a Foreign Corporation, doing business as  
SMITH'S STORE NO. 370; DOE STORE  
MANAGER I through X; DOE STORE  
EMPLOYEE I through X; DOE  
LANDOWNER I through X; DOE  
PROPERTY MANAGER I through X; DOE  
MAINTENANCE EMPLOYEE I through X;  
ROE OWNER XI through XX; ROE  
LANDOWNER XI through XX; ROE  
COMPANY XI through XX; DOES I through  
X; and ROE CORPORATIONS XI through  
XX, inclusive, joint and severally,  
  
Defendants.

Case No. 2:24-cv-00540-ART-EJY

**~~PROPOSED~~ JOINT DISCOVERY PLAN  
AND SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW**

COMES NOW Defendant SMITH'S FOOD & DRUG CENTERS, INC. by and through its  
counsel, JERRY S. BUSBY, ESQ., of the law firm COOPER LEVENSON, P.A., and Plaintiff  
ISABEL M. SCALICI, by and through her counsel, DAVID FINEGOLD, ESQ. of the law firm  
BIGHORN LAW and hereby submit this Proposed Joint Discovery Plan and Scheduling Order.

**Fed.R.Civ.P. 26(f) Conference.**

Counsel for the parties participated in the FRCP Rule 26(f) conference on April 11, 2024 and  
there were no discovery disputes at that time. The parties agree to exchange their respective initial  
disclosure statements in a timely manner. After considering the evidence in this case, counsel for the

1 parties believe that nine months will be needed to complete discovery and be prepared for trial. The  
 2 request for nine months of discovery is based on the fact that Plaintiff has been given a surgical  
 3 recommendation for lumbar fusion surgery. Plaintiff is currently deciding whether she will undergo said  
 4 surgery. Accordingly, the parties will need additional time to collect complete medical records related to  
 5 Plaintiff's alleged injuries and retain experts to opine on causation and the necessity of surgery. Thus,  
 6 counsel request 271 days from the date of removal to complete discovery and prepare for trial. Further,  
 7 the parties note that there was no discovery conducted in this case prior to removal to this Court.

8 Below is the parties proposed discovery schedule:

9 1. **Discovery Cut-Off Date:** Defendant filed its Notice of Removal on March 20, 2024  
 10 and the parties are requesting 271 days after removal to complete discovery and prepare for trial.

11 Thus, the parties request a discovery cut-off date of December 16, 2024 – 271 days after removal.

12 2. **Amending the Pleadings and Adding Parties:** The parties request that all motions  
 13 to amend the pleadings or to add parties be filed no later than September 17, 2024 – 90 days prior to  
 14 the proposed close of discovery.

15 3. **Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):** The parties request the disclosure of  
 16 experts be made on or before October 17, 2024 – 60 days before the proposed discovery cut-off date.  
 17 Disclosure of rebuttal experts shall be made by November 18, 2024 – 32 days after the initial  
 18 disclosure of experts.

19 4. **Interim Status Report:** Under recent changes in the rules, the parties will not file  
 20 an interim status report previously required by LR 26-3.

21 5. **Dispositive Motions:** The date for filing dispositive motions shall be no later than  
 22 January 15, 2025 – 30 days after the proposed discovery cut-off date. In the event that the discovery  
 23 period is extended from the discovery cut-off date set forth in this proposed Discovery Plan and  
 24 Scheduling Order, the date for filing dispositive motions shall be extended to be not later than 30  
 25 days from the subsequent discovery cut-off date.

26 6. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than  
 27 February 14, 2025 – 30 days after the cut-off date for filing dispositive motions. In the event that  
 28 dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30

1 days after decision on the dispositive motions or until further order of the court. In the further event  
2 that the discovery period is extended from the discovery cut-off date set forth in this Discovery Plan  
3 and Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance with  
4 the time periods set forth in this paragraph.

5 7. **Fed.R.Civ.P. 26(a)(3) Disclosures:** The disclosures required by Fed.R.Civ.P.  
6 26(a)(3), and any objections thereto, shall be included in the joint pretrial order.

7 8. **Alternative Dispute Resolution:** Counsel for the parties certify that they met and  
8 conferred about the possibility of using alternative dispute resolution including mediation, arbitration  
9 and/or an early neutral evaluation. The parties agree that an early neutral evaluation would not be  
10 effective at this time as the parties and their counsel believe that it is necessary to conduct discovery  
11 before attempting to resolve this case. Counsel further agree that a settlement conference will be  
12 beneficial after discovery is concluded. Finally, the parties and their counsel are not interested in  
13 submitting this case to arbitration.

14 9. **Alternative Forms of Case Disposition:** The parties certify that they discussed  
15 consenting to trial by a magistrate judge or engaging in the Short Trial Program under Fed. R. Civ.  
16 P. 73 and at present do not consent to either alternative form of case disposition.

17 10. **Electronic Evidence:** The parties certify that they have discussed and intend to use  
18 electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic  
19 format compatible with the Court's electronic jury evidence display system. At present, the parties  
20 have not agreed upon any stipulations regarding use of electronic evidence but will address this issue  
21 again in the Pre Trial Order.

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11. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any stipulation or motion must be made no later than 21 days before the subject deadline. Requests to extend discovery deadlines must comply fully with LR 26-3.

Respectfully submitted this 24th day of April, 2024.

BIGHORN LAW

COOPER LEVENSON, P.A.

/s/ David Finegold

/s/ Jerry S. Busby

DAVID FINEGOLD, ESQ.

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ISABEL SCALICI

SMITH'S FOOD & DRUG CENTERS, INC.

**ORDER**

IT IS SO ORDERED:

DATED this 24th day of April, 2024.

  
UNITED STATES MAGISTRATE JUDGE